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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,863	02/16/2001	Jafar Nabkel	020366-066900	6341

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 09/06/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/785,863	NABKEL ET AL.
	Examiner Rasha S AL-Aubaidi	Art Unit 2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02-16-2001 .

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .</p>	<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ .</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____ .</p>
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***Response to Amendment***

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod et al (US PAT# 5,222,120) in view of Kung et al. (US PAT #6,373,817).

Regarding claim 1, McLeod teaches a In a communication network comprising a plurality of subscriber telephone lines (see col.2, lines 18-20), each coupled to an

associated telephoning switching facility, each subscriber telephone line having at least one directory number and an associated subscriber profile including selected information services, a method for providing information services to a subscriber, comprising: detecting an off-hook condition at a subscriber telephone line (this feature is inherent) ; determining the information services selected by the subscriber ( reads on customer profile, see col.24, lines 45-57); and, generating a message corresponding to the selected information services for receipt by the subscriber, wherein the step of determining comprises correlating the subscriber directory number with the selected information services in the subscriber's profile (see col. 24, lines 51-57).

McLeod does not teach generating a message "in response to the off-hook condition" detection.

However, Kung et al does teach the announcement server 220 may detect the off-hook condition of the phone and play advertisements or other announcements to the user, (see col. 10, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of generating a message or announcement in response to an off hook detection, as taught by Kung, into the McLeod system in order to provide the user with the convenience of accessing the required service such as the news, updates of the stock market, or the weather without the need to dial or memorize any access number. Also, Kung teaches a

business agreement such as reduced phone rates may be provided to users who agree to listen to announcement when they go off-hook.

Claims 16 and 27 are rejected for the same reasons as respect to claim 1.

Regarding claim 2, McLeod teaches the message is an audio message (see col.24, lines 29-39).

Regarding claims 6, 17, and 28, McLeod teaches a method wherein the step of determining comprises correlating the subscriber directory number with the selected information services in the subscriber's profile in accordance with predetermined criteria (see col.4, lines 29-32).

Regarding claims 9,10, 20,21,31, and 32, McLeod teaches that while receiving the message, or after the message completes, entering one of a plurality of codes by the subscriber accesses additional information, and entering a code by the subscriber accesses the subscriber's correspondence messaging service (see col.24, lines 58-68).

Regarding claims 12,23, and 35 McLeod teaches the communication network is a public switched telephone network.

Regarding claim 14, 25, and 36, McLeod teaches that the subscriber selects an appropriate calling number by generating DTMF (dual tone multi-frequency) tones (see col. 25, lines 43-45).

Regarding claims 15, 26, and 37, the message is terminated when the subscriber goes "on hook" by hanging up the line. (The feature is inherent in McLeod; hanging up will end the transmission of the message).

Regarding claims 3-5; the use of different types of messages such as text, video, and graphic message would have been obvious to one of ordinary skill in the art at the time the invention was made since the use of multimedia messages is well known and desired.

Regarding claims 7, 18, and 29 wherein the predetermined criteria includes the time, date, or day of week (the subscriber would obviously specify how often a certain feature such as the news or the weather will be need it).

Regarding claims 8, 19, and 30 wherein the predetermined criteria includes the time since the last detected "off-hook" condition. This simply reads on the subscribers choice of having the service provided during certain times or after making certain number of phone calls. This also may be an agreement between the business and the subscriber in Kung.

Regarding claims 13, 24, and 35 wherein selecting an appropriate calling number by the subscriber terminates the message. This is obvious because dialing should stop the announcement.

Regarding claims 11, 22, and 33, wherein the communication-network is an advanced intelligent network (AIN) this simply reads on using the features in an advanced intelligent network.

***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday- Friday from 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S Al-Aubaidi

August 28, 2002

*R.S*

*Ahmad Matar*  
AHMAD MATAR  
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